

Agricultural Marketing Service, USDA

§ 918.131

(9) Estimated percentage of the aforesaid crop not meeting the minimum size requirements of the size regulation then in effect and the reasons therefor; and

(10) The aggregate number of bushels of the aforesaid crop which the applicant already (i) has shipped, and (ii) has had shipped for him.

(b) *Issuance of exemption certificate; non-issuance.* In the event the Industry Committee finds and determines, from proof satisfactory to the committee, that the applicant is entitled to an exemption certificate, the committee shall issue, or authorize the issuance of, an exemption certificate which shall permit the applicant to ship or have shipped the requisite quantity, as provided in § 918.62, of the particular variety of peaches. If the committee finds and determines that the applicant is not entitled to an exemption certificate, it shall so advise the applicant in writing, and give the reasons therefor.

(c) *Shipments pursuant to an exemption certificate.* Each grower who ships, or has shipped, any portion of his crop of such variety pursuant to an exemption certificate shall report the respective shipment promptly to the Industry Committee.

§ 918.122 Shipments by truck.

Each handler who ships peaches in a truck during any period in which a regulation is in effect pursuant to § 918.54, § 918.55, § 918.60, or § 918.61 shall keep and maintain in the truck, until the shipment has been completed, a copy of the certificate or memorandum issued by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary, as the case may be, with regard to the respective shipment of peaches: *Provided*, That this requirement shall not apply to shipments of peaches in bulk to adjacent markets during periods when such shipments are exempt from inspection. Each such handler shall upon demand by an authorized agent or employee of the Industry Committee or any authorized agent or employee of the United States Department of Agriculture, make such copy of the certificate or memorandum

available for examination by such agent or employee.

[19 FR 3644, June 19, 1954. Redesignated at 26 FR 12751, Dec. 30, 1961]

REPORTS AND SAFEGUARDS

§ 918.130 Peaches shipped to adjacent markets.

Each handler who ships, in closed containers, adjacent market peaches which do not meet the current regulations for nonadjacent markets issued pursuant to § 918.60(b) shall stamp or print on the ends or sides of such containers in letters not less than one-half inch in height "For Sale In Adjacent Markets Only", along with the handler's name and address; and have such fruit so shipped inspected as provided in § 918.64.

[44 FR 25403, May 1, 1979]

§ 918.131 Peaches not subject to regulation.

Each handler who ships peaches (except peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels) pursuant to § 918.71 shall report promptly to the Industry Committee, on forms provided by that committee, the following information with respect to each such shipment:

- (a) Name and address of the handler; date;
- (b) Shipping point;
- (c) Name and address of consignee; destination;
- (d) Truck license number, trailer license number, car initials and number; or other identification of the conveyance in which shipment was made;
- (e) Signature of truck driver;
- (f) Number and kind of containers;
- (g) Total net weight of, or total number of bushels in, the shipment;
- (h) Purpose for which shipped; and
- (i) A certification that the information is complete and accurate.

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .327 through .399) which are in effect for a year or less, will not be carried in the Code

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of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the "List of CFR Sections Affected" in the Finding Aids section of this volume.

§ 918.325 Peach Regulation 3.

(a) On and after June 8, 1987, no handler shall ship peaches unless such peaches are mature as provided in § 918.400, contain no more than one percent decay, and are not smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any lot, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter: *Provided*, That peaches shipped to adjacent markets in bulk are exempt from such maturity, decay, and size requirements, and the inspection requirements in § 918.64 shall not apply.

(b) *Diameter*, as used in this section, means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

[52 FR 21496, June 8, 1987]

Subpart—Maturity Regulations

§ 918.400 Maturity regulations.

(a) Unless otherwise indicated, terms used in this subpart shall have the same meaning as when used in the marketing agreement and order (§§ 918.1 to 918.92).

(b) The regulatory provisions in § 918.54 are modified as follows: No handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U.S. Standards for Peaches (§§ 51.1210 to 51.1223 of this title) or as such standards may be modified, revised, or new standards promulgated: *Provided*, That not more than an average of 10 percent, by count, of the peaches contained in any bulk lot or in any lot of packages may fail to meet the said requirements for maturity, but not more than 15 percent, by count, of the peaches contained in any individual package in any lot may fail to meet the said requirements for maturity.

[16 FR 3403, Apr. 19, 1951. Redesignated at 26 FR 12751, Dec. 30, 1961]

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